

REPORT TO THE PLANNING COMMISSION

DEPARTMENT DIRECTOR

March 16, 2011

FROM:

KEVIN FABINO, Planning Manager

Development & Resource Management Department

THROUGH:

MIKE SANCHEZ, Planning Manager

Development Services Division

BY:

WILL TACKETT, Planner III

Development Services Division

SUBJECT:

CONSIDERATION OF VESTING TENTATIVE TRACT MAP NO. 5968/UGM; AND.

RELATED ENVIRONMENTAL ASSESSMENT NO. T-5968.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

- 1. APPROVE the addendum to Environmental Impact Report (EIR) No. 10133, as certified by the Fresno City Council on May 17, 2005 (Resolution No. 2005-183), for the tentative map in accordance with Section 15164 of the California Environmental Quality Act (CEQA).
- 2. APPROVE Vesting Tentative Tract Map No. 5968/UGM subject to the findings included within the Staff Report to the Planning Commission dated March 16, 2011; and, compliance with the Conditions of Approval dated March 16, 2011.

EXECUTIVE SUMMARY

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of Fancher Creek Properties, LLC., property owner/subdivider, has filed Vesting Tentative Tract Map No. 5968/UGM pertaining to approximately 23.13 net acres (29.35 gross acres) of property (collectively, the "Subject Property) located on the northwest, northeast, southeast, and southwest corners of the intersection of East Fancher Creek Drive and North Fowler Avenue; within the Fancher Creek Development Project.

Vesting Tentative Tract Map No. T-5968/UGM proposes to subdivide the subject property for the purposes of creating a total of 39 commercial lots between the four corners of the respective street intersection; and, to vacate adjacent portions of the East Kings Canyon Road, North Fowler Avenue: and, East Fancher Creek Drive rights-of-way. The proposed subdivision will facilitate future commercial development on the subject property. However, entitlement applications have not been submitted for any respective portion of the subject property to date (development applications and plans for any respective portion of the subject property will be required to be submitted to the City of Fresno for review and approval prior to construction in accordance with the requirements of the Fresno Municipal Code).

The subject property is currently zoned under the C-2/BA-15/UGM/cz (Community Shopping Center/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning) zone district classification. The subject property is located within the boundaries of the 2025 Fresno General Plan and Roosevelt Community Plan, which designate the subject property for Community Commercial planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-2 (Community Shopping Center) zone district may be found to be consistent with the Community Commercial planned land use designation.

AGENDA ITEM NO. VIII.A. COMMISSION MEETING 03/16/11

The proposed subdivision of the subject property in accordance with Vesting Tentative Tract Map No. 5968/UGM conforms to the 2025 Fresno General Plan and Roosevelt Community Plan.

PROJECT INFORMATION

PROJECT Vesting Tentative Tract Map No. 5968/UGM proposes to subdivide the approximately 23.13 net acre (29.35 gross acres) subject property into

39 commercial lots.

APPLICANT Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of,

Fancher Creek Properties, LLC., owner/subdivider.

LOCATION Northwest, northeast, southeast, and southwest corners of the

intersection of East Fancher Creek Drive and North Fowler Avenue;

within the Fancher Creek Development Project.

(Council District 5, Councilmember Quintero)

SITE SIZE Approximately 23.13 net acres (29.35 gross acres).

PLANNED LAND USE Existing - Community Commercial

Proposed - Community Commercial

ZONING Existing - C-2/BA-15/UGM/cz (Community Shopping Center District /

Boulevard Area Overlay / Urban Growth Management / with conditions of zoning)

Proposed - C-2/BA-15/UGM/cz (Community Shopping Center District /

Boulevard Area Overlay / Urban Growth Management / with conditions of zoning)

PLAN DESIGNATION

AND CONSISTENCY

Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the FMC, the existing C-2 zone district classification for the subject property and the existing Community Commercial planned land use designation for the subject property may

be found consistent.

ENVIRONMENTAL

FINDING

Addendum to Environmental Impact Report (EIR) No. 10133, as certified by the Fresno City Council on May 17, 2005 (Resolution No.

2005-183), in accordance with Section 15164 of the California

Environmental Quality Act (CEQA).

STAFF

RECOMMENDATION

Recommend Approval (by the Planning Commission) of: (1) The addendum to Environmental Impact Report (EIR) No. 10133, as certified by the Fresno City Council on May 17, 2005 (Resolution No. 2005-183);

and, (2) Vesting Tentative Tract Map No. 5968/UGM.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use		
North	Open Space / Neighborhood Park & Medium Density Residential	R-1/BA-15/UGM/cz Single Family Residential District / Boulevard Area Overlay / Urban Growth Management / with conditions of zoning	Fancher Creek Elementary School & Vacant (Tract 5232, approved 2005)		
East	Medium Density Residential	R-1/BA-15/UGM/cz Single Family Residential District / Boulevard Area Overlay / Urban Growth Management / with conditions of zoning & R-2/BA-15/UGM/cz Low Density Multiple Family Residential / Boulevard Area Overlay / Urban Growth Management / with conditions of zoning	Vacant (Tract 5232, approved 2005)		
South	Low and Medium-High Density Residential & Neighborhood Commercial	C-1 Neighborhood Shopping Center & R-1-AH and R-2-A (Fresno County) Single Family Residential District (20,000) and Low Density Multiple Family Residential District (6,600)	Neighborhood Commercial & Single Family and Multiple Family Residential (Fresno County)		
West	Medium Density Residential	R-1/BA-15/UGM/cz Single Family Residential District / Boulevard Area Overlay / Urban Growth Management / with conditions of zoning & R-2/BA-15/UGM/cz Low Density Multiple Family Residential / Boulevard Area Overlay / Urban Growth Management / with conditions of zoning	Single Family Residential (Tract 5232, approved 2005)		

ENVIRONMENTAL FINDING

On May 17, 2005 the Fresno City Council certified Final Environmental Impact Report (EIR) No. 10133 (SCH No. 2004021071) for the Fancher Creek Development Project through adoption of Resolution No. 2005-183. The EIR adopted for the proposed project considered and evaluated the potential effects associated with the development of approximately 476 acres, specifically: 107 acres of M-1 (*Light Manufacturing*) zoned property; 211 acres of R-1 (*Single Family Residential*) zoned property; 32 acres of R-2 (*Low Density Multiple Family Residential*) zoned property; 31 acres of C-2 (*Community Shopping Center*) zoned property, comprising the "Subject Property"; 43 acres of C-3 (*Regional Shopping Center*) zoned property; and, an additional 52 acres of Regional Commercial planned area, which was included within the EIR for cumulative analysis.

The subject property remains vacant but may be developed at an intensity and scale that is permitted by the planned land use designation and proposed zone district classification for the site. Thus, the subdivision of the subject property in accordance with Vesting Tentative Tract Map No. 5968/UGM will not facilitate an additional intensification of uses beyond that which would be allowed by the Community Commercial planned land use designation. Moreover, it is not expected that the future development will adversely impact existing city service systems or the traffic circulation system that serves the subject property. These infrastructure findings have been verified by the Public Works and Public Utilities Departments. If has been further determined that all applicable mitigation measures of EIR No. 10133 have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by EIR No. 10133.

As the subdivision of the subject property, pursuant to Vesting Tentative Tract Map No. 5968/UGM, is proposed in order to facilitate future development of the subject property consistent with the Community Commercial planned land use designation and existing C-2 (Community Shopping Center District) zoning, it may be determined that: (1) Based upon the density and intensity proposed, the project falls within the scope of Environmental Impact Report (EIR) No. 10133; (2) No substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (3) No substantial changes will occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and, (4) No new information, which was not known and could not have been known, at the time the EIR No. 10133 was certified, has become available. These findings are substantiated through evidence provided within the attached addendum to Environmental Impact Report No. 10133, which was prepared for the proposed project.

Therefore, the City of Fresno has determined that an addendum to Environmental Impact Report (EIR) No. 10133 is appropriate given that none of the conditions described in Section 15162 of the Subdivision Map Act calling for preparation of a subsequent EIR have occurred; and, new information added is only for the purposes of providing minor technical changes or additions, in accordance with Section 15164 of the Subdivision Map Act.

A copy of Environmental Impact Report (EIR) No. 10133 (SCH No. 2004021071), as certified by the Fresno City Council on May 17, 2005, may be found on the City of Fresno, Development and Resource Management Department website. A link to the EIR will be provided under the posted Planning Commission Agenda for March 16, 2011.

BACKGROUND / ANALYSIS

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of Fancher Creek Properties, LLC., property owner/subdivider, has filed Vesting Tentative Tract Map No. 5968/UGM pertaining to approximately 23.13 net acres (29.35 gross acres) of property (collectively, the "Subject Property) located on the northwest, northeast, southeast, and southwest corners of the intersection of East Fancher Creek Drive and North Fowler Avenue; within the Fancher Creek Development Project.

Vesting Tentative Tract Map No. T-5968/UGM proposes to subdivide the subject property for the purposes of creating a total of 39 commercial lots between the four corners of the respective street intersection; and, to vacate adjacent portions of the East Kings Canyon Road, North Fowler Avenue; and, East Fancher Creek Drive rights-of-way. The proposed subdivision will facilitate future commercial development on the subject property. However, entitlement applications have not been submitted for any respective portion of the subject property to date (development applications and plans for any

respective portion of the subject property will be required to be submitted to the City of Fresno for review and approval prior to construction in accordance with the requirements of the Fresno Municipal Code).

The subject property is currently zoned under the C-2/BA-15/UGM/cz (Community Shopping Center/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning) zone district classification. The subject property is located within the boundaries of the 2025 Fresno General Plan and Roosevelt Community Plan, which designate the subject property for Community Commercial planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-2 (Community Shopping Center) zone district may be found to be consistent with the Community Commercial planned land use designation.

The proposed subdivision will facilitate future commercial development on the subject property. Although entitlement applications have not yet been submitted to the City of Fresno for any respective portion of the subject property, development applications and plans for any respective portion of the subject property will be required to be submitted to the City of Fresno for review and approval prior to issuance of building permits; and, will be publicly noticed in accordance with the requirements of the Fresno Municipal Code as appropriate.

The subject property is bounded on the north by the Fancher Creek Elementary School and vacant lands, which have been approved for single family residential development as part of Vesting Tentative Tract Map No. 5232 (approved 2005). Similarly, property to the east of the subject property also remains vacant but has been approved for single family residential development as part of Vesting Tentative Tract Map No. 5232. Property to the west, also part of Vesting Tentative Tract Map No. 5232 has been developed with single family residences. Properties to the south of the subject property and across East Kings Canyon Road have been developed with single and multiple family residential uses within Fresno County; and, neighborhood commercial uses within the incorporated area of the City of Fresno.

Streets and Access Points

The subject property is located on the northwest, northeast, southeast, and southwest corners of the intersection of East Fancher Creek Drive and North Fowler Avenue; within the Fancher Creek Development Project. The adjacent segments of East Fancher Creek Drive is designated as a Scenic Drive; and, the adjacent segments of North Fowler Avenue and East Kings Canyon Road are designated as arterial streets.

The Public Works Department, Traffic Engineering Division has reviewed the proposed project and potential traffic related impacts for the vesting tentative tract map applications and has determined that the streets adjacent to and near the subject site will be able to accommodate the quantity and kind of traffic which may be potentially generated subject to the requirements stipulated within the memoranda from the Traffic Engineering Division dated March 10, 2011. These requirements generally include: (1) Access restrictions consisting of limitations to the number of vehicular access points and turning movements for respective quadrants of the tentative map; (2) Street improvements, (including, but not limited to, construction of concrete curbs, gutters, and sidewalks, planned bicycle and pedestrian trails, permanent pavement, underground street lighting systems; bus bays, the construction of a one-lane round-a-bout at the intersection of East Fancher Creek Drive and North Fowler Avenue, modifications and/or construction of medians with consideration of reservation of future travel lanes and, (3) Payment of applicable impact fees (including, but not limited to, the Traffic Signal Mitigation Impact (TSMI) Fee, Fresno Major Street Impact (FMSI) Fee, and fair share contributions as determined by the State of California Department of Tranportation.

All necessary dedications to facilitate street improvements have been previously made and the proposed vacations of adjacent public street rights-of-way will not occur to an extent that will affect adjacent major street traffic volume capacity or installation of improvements previously identified or required to mitigate potential effects. Furthermore, feasibility studies for proposed vacations will assure that the proposed vacations do not interfere with public easements and/or facilities. This finding is substantiated by the inclusion of project related conditions of approval as stipulated within the Public Works Department, Traffic and Engineering Services Division memorandum dated March 10, 2011. East Kings Canyon Road currently exists as State Route 180, which is under the jurisdiction of the State of California. This right-of-way is soon to be relinquished to the City of Fresno but requires approval from the California Transportation Commission. The proposed vacations for the respective portions of East Kings Canyon Road will therefore, be required to go through Caltrans, or the applicant will be required to wait until such time as the City gains ownership and vacate through the City.

The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area. These streets will provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system.

Public Services

The Department of Public Utilities (DPU) has determined that adequate sanitary sewer and water services are available to serve the project site subject to implementation of the requirements within the attached memoranda included as conditions of approval for Vesting Tentative Tract Map No. 5968/UGM. Construction and installation of public facilities and infrastructure in accordance with Department of Public Works standards, specifications and policies, including extensions of sewer and water services within the proposed tract, are also required.

The portion of the subject property located west of North Fowler Avenue is located within the jurisdiction of, and will be serviced by, Bakman Water District. The proposed project will be conditioned upon compliance with all Bakman Water Company's Material and Installation Standards for mains, service lines, backflows, and hydrants. These conditions will be provided for the record at the public hearing scheduled for consideration of Vesting Tentative Tract Map No. 5968/UGM

Furthermore, water service to the subject property is required to meet the rules and regulations of the California Public Utilities Commission and California Health Services.

Therefore, implementation of the 2025 Fresno General Plan policies and the mitigation measures of Master Environmental Impact Report No. 10130 and Environmental Impact Report No. 10133, along with the implementation of the Water Resources Management Plan and the identified project specific conditions of approval will provide an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

The City of Fresno Fire Department has conditioned the proposed project with requirements for installation of fire hydrants and the provision of adequate fire flows per Public Works Standards, with two sources water. Additionally, a minimum of two points of access for all phases of developments is required along with cross-access agreements for emergency vehicle access to all lots proposed to be created.

The Fresno Metropolitan Flood Control District (FMFCD) has indicated that permanent drainage service is available for the development subject to the developer completing FMFCD Master Plan Facilities as determined by the district and demonstrating that runoff can be safely conveyed to the master plan inlets upon completion of street improvements. District Fees are also due for the subject property.

Amendments or modifications to the FMFCD requirements will be required to be approved by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code, prior to approval of the final map, and final project conditions of approval will be entered into the record at the public hearing scheduled for consideration of Vesting Tentative Tract Map No. 5968/UGM.

Tentative Tract Map Findings

The Subdivision Map Act (California Government Code Section 66400 et. seq.) requires that a proposed subdivision not be approved unless the map, together with its design and improvements, is found to be consistent with the General Plan and any applicable specific plan (Finding No. 1 below).

State law further provides that the proposed subdivision map be denied if any one of the Finding Nos. 2 - 5 below is made in the negative. In addition, State law requires that a subdivision be found to provide for future passive and natural heating or cooling opportunities in the subdivision development (Finding No. 6 below).

- 1. The proposed subdivision map, together with its design and improvements, is consistent with the City's 2025 Fresno General Plan and Roosevelt Community Plan. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Chapter 12, Article 10 (Subdivision Ordinance) of the FMC, the subdivision design meets the zoning ordinance criteria for development in the Community Commercial planned land use and C-2 (Community Shopping Center) zone district designation.
- 2. This site is physically suitable for the proposed type and density of development, because conditions of approval prepared will ensure adequate access and drainage on and off the site; and, that development shall occur in accordance with adopted standards, goals, objectives, and policies for development in the City of Fresno.
- 3. The proposed subdivision design and improvement is not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat, because all agricultural uses on the subject property have been discontinued and the site is located within an area, which has been substantially graded and prepped for developed with urban uses. The subject property remains fallow without trees, vegetation, or irrigation to sustain and attract wildlife; or, provide a suitable habitat to species other than vermin.
- 4. The proposed subdivision design and improvements are not likely to cause serious public health and safety problems because the conditions of approval have shown and will ensure that the subdivision conforms to city health and safety standards, specifications, and policies.
- 5. The proposed subdivision design will not conflict with public easements within or through the site, because the project design and conditions of approval will assure noninterference with any existing or proposed easements on the subject property.
- 6. The design of the subdivision provides, to the extent feasible, for future passive and natural heating or cooling opportunities in the subdivision, because of the appropriate use and placement of landscaping plant materials and because of the orientation of the proposed lots, which will permit alignment of structures in an east-west direction for southern exposure.

The subdivision map, subject to the recommended conditions of approval, complies with the design and property development standards of the Zoning Ordinance and local Subdivision Ordinance. Based upon the plans and information submitted by the applicant and the recommended conditions of project approval, staff has determined that these findings can be made.

Conclusion

Action by the Planning Commission regarding Vesting Tentative Tract Map No. 5968/UGM is final unless appealed in accordance with Section 12-1019 of the FMC.

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and the Roosevelt Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Vesting Tentative Tract Map No. 5968/UGM is appropriate for the project site.

Attachments: Vicinity Map

2010 Aerial Photograph

Public Hearing Notice Mailing List Vicinity Map 2025 Fresno General Plan Planned Land Use Map Vesting Tentative Tract Map No. T-5968/UGM

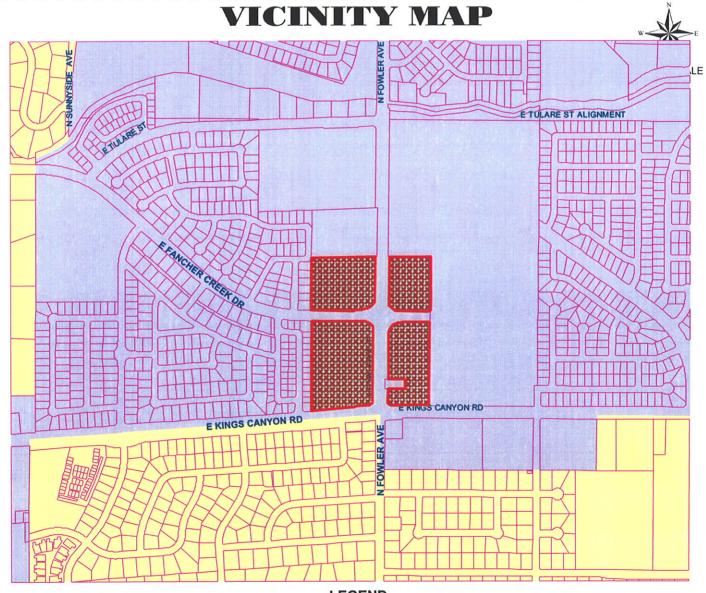
Conditions of Approval for Vesting Tentative Tract Map No. 5968/UGM dated March 16, 2011. Addendum to Environmental Impact Report (EIR) No. 10133 (SCH No. 2004021071), as certified by

the Fresno City Council on May 17, 2005 (Resolution No. 2005-183)



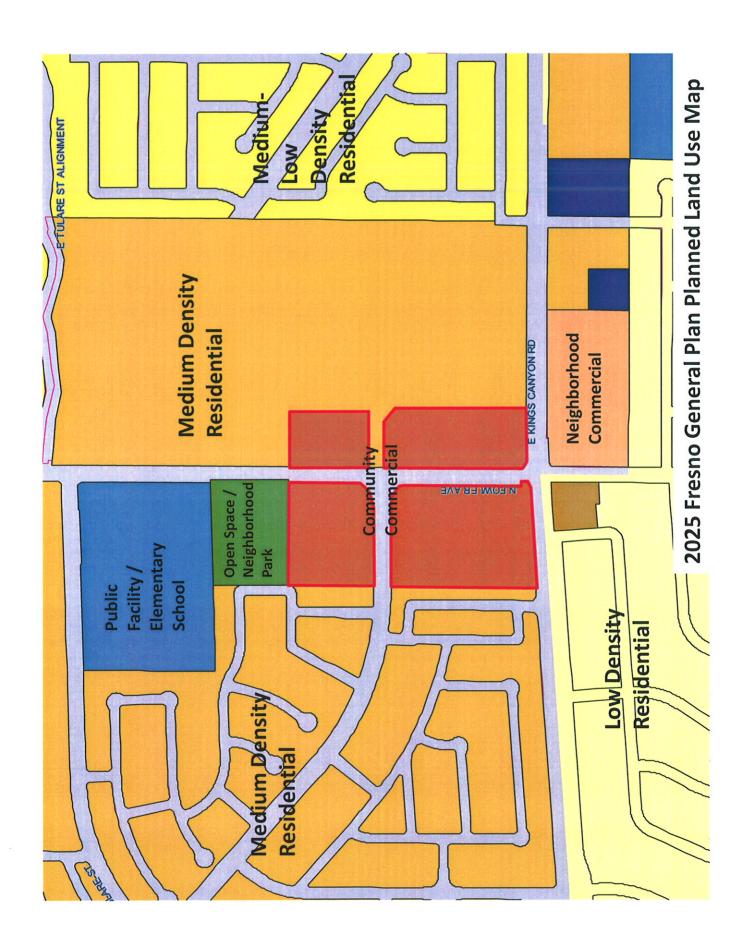
THIS IS A LEGAL NOTICE

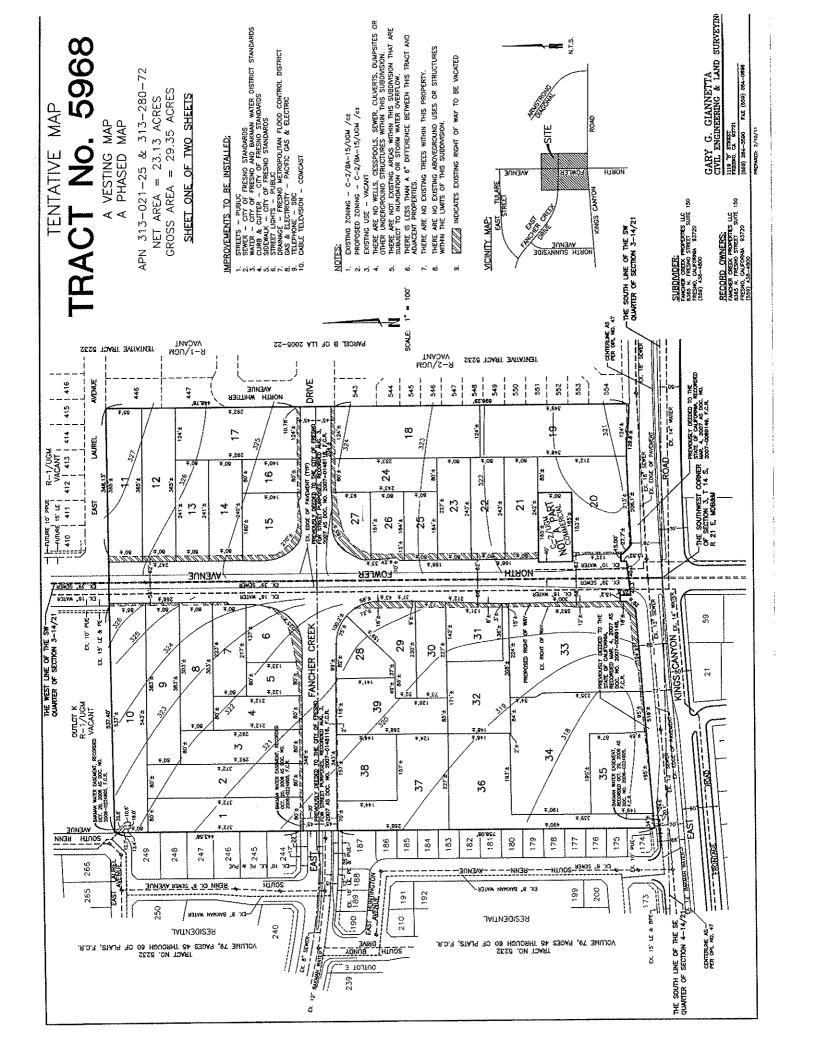
Vesting Tentative Tract Map No. 5968/UGM Northwest, Northeast, Southeast, and Southwest corners of E. Fancher Creek Dr. & N. Fowler Ave.











CITY OF FRESNO DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

CONDITIONS OF APPROVAL March 16, 2011

VESTING TENTATIVE TRACT MAP No. 5968/UGM

NORTHWEST, NORTHEAST, SOUTHEAST AND SOUTHWEST CORNERS OF THE INTERSECTION OF EAST FANCHER

CREEK DRIVE AND NORTH FOWLER AVENUE



All tentative maps are subject to the applicable provisions of the State Subdivision Map Act, Fresno Municipal Code (FMC), City policies, and City of Fresno Standard Specifications. The following specific conditions are applicable to this vesting tentative map:

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or exactions imposed on the development project.

URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)

The subdivider of property located within the UGM boundaries shall comply with all sewer, water and street requirements and pay all applicable UGM fees imposed under the Urban Growth Management process (with appropriate credit given for the installation of required UGM improvements) in accordance with the requirements of State Law as related to tentative tract maps.

GENERAL CONDITIONS

- 1. Upon conditional approval of Vesting Tentative Tract Map No. 5968/UGM, the subdivider may prepare a Final Map in accordance with the approved tentative map.
- 2. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005.
- 3. Submit grading plans and a soils report to the City of Fresno Development and Resource Management Department for verification prior to Final Map approval (Reference: Sections 12-1022 and 12-1023 of the Fresno Municipal Code). Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
- 4. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Development and Resource Management Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

- 5. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.
- 6. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
- 7. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Article 10, Chapter 12, "Subdivision of Real Property;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
- 8. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative maps.
- 9. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.
- 10. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

GENERAL INFORMATION

- 11. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.
 - a) It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid. In addition to completing the Agreement, the Developer shall provide a final map (with address details) to the local USPS representative. The Developer shall, at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.

- i) Attached for the subdivider/developer's use is a copy of the Mode of Delivery Agreement New Construction Form.
- 12. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of Fresno Municipal Code Chapter 12, Article 10, Subdivision of Real Property.
- 13. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.
- 14. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.
- 15. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.
- 16. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
- 17. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.
- 18. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
- 19. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

If the subdivider elects to apportion the assessment, the application shall contain the following information:

- a) A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;
- b) A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and
- c) Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.
- d) The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.

ZONING & PROPERTY DEVELOPMENT STANDARDS

20. The subject property is zoned C-2/BA-15/UGM/cz (Community Shopping Center District/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning). Any development on the subject property or individual lots resulting from a subdivision thereof shall comply with the property development standards of the C-2 and BA-15 zone districts.

Conditions of Zoning

- 21. On May 17, 2005 the Fresno City Council adopted Ordinance No. 2005-51/Bill No. B-49 for Rezone Application No. R-04-014, establishing the existing zoning for the subject property and designating conditions of zoning applicable to the subject property. These conditions of zoning have either been previously satisfied, or are due at the time of development and do not pertain to the recordation of a parcel map for the subject property.
- 22. On May 17, 2005 the Fresno City Council certified Final Environmental Impact Report (EIR) No. 10133 (SCH No. 2004021071) for the Fancher Creek Development Project through adoption of Resolution No. 2005-183. Among other things, the EIR adopted for the proposed project considered and evaluated the potential effects associated with the development of approximately 31 acres of C-2 (Community Shopping Center) zoned property at the location of the subject property. Development and construction related activities associated with the subject property shall comply with all applicable mitigation measures identified in EIR No. 10133.

STREETS AND RIGHTS-OF-WAY

- 23. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.
- 24. Comply with all of the requirements stipulated within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated March 10, 2011 with the following exceptions:

- a) A cross section for the required trail easements along East Kings Canyon Road and North Fowler Avenue shall be submitted to the Public Works Department for review and approval prior to recordation of the Parcel Map.
 - i) Required trail easements shall be identified on the tentative parcel map.
 - NOTE: The requirement for a minimum 26-foot wide easement for Bike and Pedestrian purposes may be modified subject to submittal of cross sections for trail improvements to the Public Works Department, as appropriate; and, approval by the City Engineer.
- b) As access restrictions consisting of limitation on the number of vehicular access points for respective quadrants of the tentative map have been imposed, the subdivider shall execute a Mutual Easements and Reciprocal Use Agreement between Lots 1-10; 11-17; 18-27; and, 28-39 of Vesting Tentative Tract Map No. 5968/UGM dated March 10, 2011, respectively. The Mutual Easements and Reciprocal Use Agreement shall, at a minimum, provide: (1) Mutual and reciprocal access to East Fancher Creek Drive, North Fowler Avenue, and East Kings Canyon Road, as appropriate; (2) Shared parking; (3) Cross drainage; (4) Shared solid waste facilities (if applicable); and, (5) Provisions and obligations for retention and maintenance of access, utilities, fire suppression systems, facilities and improvements on the subject property.
 - i) Access, circulation, and parking on all of the properties to be included within, and made party to, the cross-access agreement shall be provided and maintained in accordance with future approved entitlements for the respective properties; or, any revisions or amendments thereto, as may be approved by the Development and Resource Management Department. No modifications to said access or circulation may be made without prior approval from the Development and Resource Management Department.
 - NOTE: The conditions of the Mutual Easements and Reciprocal Use Covenant are intended to benefit the public and public properties as well as properties appurtenant; and, secure the enforceability of properties' obligations for retention and maintenance of access, utilities, facilities, and improvements. Failure to comply with the terms of the Covenant may result in the revocation of Certificates of Occupancy of future Special Permit by the City for use of any Lots of the properties involved. Accordingly, the City of Fresno shall have the right to enforce this Statement by any legal or equitable means. For further information regarding these requirement Contact the Development and Resource Management Department at (559) 621-8277.
 - ii) Final, executed and notarized documents shall be recorded with the final map.
 - iii) All of the agreements required to be executed within this section shall run with the land and bind all successors and assigns.
 - NOTE: Any amendment to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.
- c) East Kings Canyon Road is currently State Route 180, which is under the jurisdiction of the State of California Department of Transportation (Caltrans) and is in the

process of being relinquished to the City of Fresno. The relinquishment (as well as a proposed vacation) requires approval from the California Transportation Commission (CTC); the proposed relinquishment is scheduled for consideration by the CTC in May of 2011.

- NOTE: Caltrans has indicated that it cannot deed the portion of East Kings Canyon Road back to the property owner as the process for relinquishment to the City of Fresno has already begun.
- i) The proposed vacation of the respective portions of the East Kings Canyon Road rights-of-way will need to occur through the City of Fresno and may be facilitated through either a quitclaim or Grant deed to the adjacent property upon relinquishment of the rights-of-way to the City of Fresno.
 - NOTE: For further information regarding these requirements contact either Alan James with the City of Fresno, Department of Public Works at (559) 621-8693; or, Kuldeep Brar, with the State of California Department of Transportation at (559) 445-6573.
- 25. The subdivider is required to provide (1) street trees on all public street frontages per Fresno Municipal Code; and (2) for the dedication of planting and buffer landscape easements as determined by the Development and Resource Management Department. Street trees shall be planted at the minimum rate of one tree for each 60 feet of street frontage by the developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 12-306-N-23, Water Efficient Landscape Standards and AB 1881 Model Water Efficient Landscape Ordinance.
- 26. Comply with all of the: (1) Street Tree; (2) Buffer Landscape & Maintenance; (3) Median Island Landscape; and, (4) Trail requirements stipulated within the Department of Public Works, Engineering Division memorandum from the Park Supervisor dated October 30, 2010.

SANITARY SEWER SERVICE

The nearest sanitary sewer mains to serve the proposed project are an 39-inch main located in North Fowler Avenue and an 8-inch main located in East Fancher Creek Drive. The following sewer improvement conditions shall be required prior to providing City sewer service to the project:

27. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Planning and Engineering Division (Sanitary Sewer) memorandum dated January 25, 2010.

WATER SERVICE

The portion of the subject property located to the west of North Fowler Avenue is located within the jurisdiction of Bakman Water District; and, the portion of the subject property located to the east of North Fowler Avenue will be served by the City of Fresno. The following water improvements shall be required prior to providing water service to the project:

28. Comply with any and all requirements as stipulated by the Bakman Water District in accordance with all Bakman Water Company's Material and Installation Standards for mains, service lines, backflows, and hydrants.

29. Comply with all of the requirements stipulated within the attached Department of Public Utilities, Water Division memorandum dated February 12, 2010.

FIRE SERVICE

Fire service is available to the proposed tract subject to the following requirements:

30. Comply with all of the requirements stipulated within the attached Fresno Fire Department memorandums dated February 02, 2010 and February 08, 2010.

FLOOD CONTROL AND DRAINAGE

31. The subdivider shall be required to comply with the specific requirements imposed by the Fresno Metropolitan Flood Control District (FMFCD) for the subdivision or any amendments or modifications to those requirements which may be granted by the FMFCD Board of Directors, pursuant to Section 13-1307 of the Fresno Municipal Code. These requirements are identified in the District's letters to the Development and Resource Management Department dated March 16, 2011.

COUNTY OF FRESNO DEPARTMENT OF PUBLIC WORKS AND PLANNING

32. Comply with all of the requirements stipulated within the attached County of Fresno, Department of Public Works and Planning memorandum dated February 02, 2010.

COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH

33. Attached for the subdivider's records and consideration is the County of Fresno Department of Public Health memorandum dated February 09, 2010.

PACIFIC GAS AND ELECTRIC COMPANY (PG&E)

34. Comply with all of the requirements stipulated within the attached PG&E memorandum dated February 17, 2010.

AT&T/PACIFIC BELL

35. Attached for the subdivider's records and consideration is the AT&T memorandum dated March 23, 2010.

CLOVIS UNIFIED SCHOOL DISTRICT

36. Attached for the subdivider's records and consideration is the Clovis Unified School District memorandum dated February 09, 2010.

RIGHT-OF-WAY ACQUISITION

- 37. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
- 38. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must

be determined at the project design stage based on the existing conditions and detailed design information.

- 39. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.
- 40. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.
- 41. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

MAINTENANCE OBLIGATIONS

- 42. The long term maintenance of all the items listed below is the ultimate responsibility of the owner/developer.
 - a) The property owner shall be responsible for providing for the maintenance of all median island and round-a-bout landscaping and hardscaping located within East Kings Canyon Road, North Fowler Avenue and East Fancher Creek Drive rights-ofway within or adjacent to the tentative map.
 - b) The property owner shall be responsible for providing for the maintenance of all landscaping and hardscaping of the trails along North Fowler Avenue and East Fancher Creek Drive within or adjacent to the tentative map.
 - c) The property owner shall be responsible for providing for the maintenance of all street trees within East Kings Canyon Road, North Fowler Avenue, and East Fancher Creek Drive rights-of-way within or adjacent to the tentative map.
- 43. If the owner/developer chooses to be annexed into the City's CFD for maintenance purposes, then an Annexation Request Package shall be submitted to the Public Works Department for review, processing, and approval.
 - NOTE: Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available on-line on the City of Fresno website (http://www.fresno.gov) under the Public Works Department Developer Doorway.
 - a) Construction plans for all features to be maintained by a CFD for a final map shall be included in the final map submission to the Development Department for processing. Where applicable, this shall include a Street Tree Location and Street Tree Species (by street) map. Landscaping plans shall contain actual tree and plant counts by

species and include the areas (in square feet) of turf, shrubs and trees, and sidewalks or other paved areas within all landscaped areas.

- NOTE: The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require that landscape and irrigation plans be submitted with landscape buffer plans for approval prior to inclusion into the CFD.
- b) Proceedings to place the Final Map into a CFD shall not commence until the Final Map has been annexed into the City of Fresno and the Final Map, Landscape and Street Construction Plans are considered to be technically correct.
- c) If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, he/she shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgments from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. The developer/subdivider shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.
- 44. Should the City Council or owner/developer choose not to include all of the maintenance items or certain items listed above in a CFD, then the property owner/developer shall be responsible for establishing a Home Owners' Association (HOA) or other property based management mechanism which provides for the maintenance of these items in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.
 - a) The subdivider shall establish a Home Owners' Association (or other approved mechanism) to perform the above listed maintenance responsibilities pursuant to a formal agreement with the City pursuant to Section 12-1026 of the Fresno Municipal Code. The agreement with the City described herein, shall among other things, specify level of effort and frequency, insurance requirements, traffic control, and inspection and be subject to approval by the Director of Public Works and the City Attorney's Office.
 - NOTE: Should the owner/developer elect to establish a Home Owners' Association to perform maintenance obligations and assure that said obligations are met, then the owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of the subdivision and its amenities within the responsibilities of the association.
 - b) The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Development and Resource Management Department for review prior to final map approval. Said documents shall be recorded with the final map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Development and Resource Management Department Guidelines for preparation of CC&Rs dated January 11, 1985.

DEVELOPMENT FEES AND CHARGES

Service Connection Charge

This project is subject to the following fees and charges:

• Applicable Flood Fees as determined by the Fresno Metropolitan Flood Control District.

SEWER CONNECTION CHARGES FEE RATE	FEE RATE			
a. Lateral Sewer Charge [4] \$0.10/sq. ft	t. (to 100' depth)			
b. Oversize Charge [4] \$0.05/sq. ft	t. (to 100' depth)			
c. Trunk Sewer Charge [4] S.T.E.P. ** Service Area: Fowler				
d. Wastewater Facilities Charge [4] S.T.E.P. **				
e. Fowler Trunk Sewer Interim Fee Surety [4] N/A				
f. Copper Avenue Sewer Lift Station Charge [4] N/A				
g. House Branch Sewer Charge [2] N/A				
WATER CONNECTION CHARGES FEE RATE				

Mest of Fowler Avenue to be served by: Bakman Water District

	convice confidence charge	meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule.
j.	Frontage Charge [4]	\$6.50/lineal foot
k.	Transmission Grid Main Charge [4]	\$643.00/gross acre (parcels 5 gross acres or more)
l.	Transmission Grid Main	

Fee based on service(s) and

	Bond Debt Service Charge [4]	\$243.00/gross acre (parcels 5 gross acres or more)
m	LIGM Water Supply Foo [2]	\$1.729/living unit og it of out

m. UGM Water Supply Fee [2] \$1,738/living unit equivalent* Service Area: 501-S

n. Well Head Treatment Fee [2] \$79/living unit equivalent* Service Area: 501

o. Recharge Fee [2] \$56/living unit equivalent*
Service Area: 501

p. 1994 Bond Debt Service [4]

Service Area: 501 CITYWIDE DEVELOPMENT IMPACT FEES FEE RATE q. Fire Facilities Impact Fee - Citywide [4] \$236.00/1000 sq. ft. † Park Facility Impact Fee - Citywide [4] N/A s. Quimby Parkland Dedication Fee [2] N/A Citywide Regional Street Impact Fee [4] \$16,131.00/adj. acre u. New Growth Area Major Street Fee [4] \$37,495.00/adj. acre v. Police Facilities Impact Fee – Citywide [4] \$665.00/1000 sq. ft. † w. Traffic Signal Charge [4] \$47.12/ADT † x. Regional Traffic Mitigation Fee [4] \$1.36/sq. ft.

\$93/living unit equivalent*

Notes:

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits.

N/A

[1] Deferrable through Fee Deferral Covenant.

y. UGM Right of Way Acquisition Charge

- [2] Due at Final Map.
- [3] Due at Building Permit.
- [4] Due at Certificate of Occupancy.
- † Building areas to be calculated to the nearest square foot. Traffic Signal Fee is subject to review and conditions of approval from Transportation Planning through the entitlement review process based on Average Daily Trips of the proposed project. Average Daily Trips to be determined by Traffic Engineering.

^{*} Living Unit Equivalents are calculated by multiplying the number of Net Acres by 5.8 Living Unit Equivalents for commercial or 3.0 Living Unit Equivalents for industrial to arrive at the total number of Living Unit Equivalents.

^{**}Upon occupancy of the project, the subdivider shall pay the appropriate sewer facility charge pursuant to the Simple Tiered Equity Program (STEP) as determined by the Department of Public Utilities, Wastewater Division, Environmental Services Section (559-621-5153).



FEBRUARY 02, 2010

To the City of Fresno - Planning and Development Department:

It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid.

In addition to completing the Agreement, the Developer shall provide a final map (with address detail) to the local USPS representative. The Developer shall, at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.

Sincerely,

Cathy S. Gilles
New Growth Coordinator

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DATE:

March 10, 2011

REVISION 1

TO:

Will Tackett

Development Department, Planning Division

THROUGH:

Bryan Jones, TE, PTP, AICP, City Traffic Engineer, Division Manager

Public Works Department, Traffic and Engineering Services Division

FROM:

Louise Gilio, Traffic Planning Supervisor

Public Works Department, Traffic and Engineering Services Division

SUBJECT:

Public Works Conditions of Approval

TT 5968, (Kings Canyon and Fowler)

Fancher Creek Properties LLC / Gary Giannetta

The Public Works Department, Traffic Planning Section, has completed its review and the following requirements are to be placed on this tentative map as a condition of approval by the Public Works Department.

Planning: A cross access agreement is required.

General Conditions:

1. Curb Ramps: Provide curb ramps at all corners within the limits of this subdivision.

2. Pedestrian Easements: Identify all pedestrian easements on the map.

3. Overhead Utilities: Underground all existing offsite overhead utilities with the limits of this map in accordance with Fresno Municipal Code Section 12-1011 and Resolution No. 78-522/88-229.

4. If not existing, street work on major streets shall be designed to include Intelligent Transportation Systems (ITS) in accordance with the Public Works ITS Specifications.

5. <u>Plan Submittal</u>: Submit the following plans, as applicable, in a single package, to the Planning and Development Department for review and approval: Street Construction, Signing, Striping, Traffic Signal and Streetlight and Trail Lighting, Signing and Striping.

6. Street widening and transitions shall also include utility relocations and necessary dedications.

Frontage Improvement Requirements:

Major Streets:

Kings Canyon Road: Arterial (State Route 180):

- 1. Kings Canyon Road currently is State Route 180 which is under Caltrans' jurisdiction. It is soon to be relinquished to the City of Fresno. Comply with the City of Fresno specifications. Depending on the timing of permits and construction, project improvements may require approval and permits from Caltrans.
- 2. Construct concrete curb and gutter to Public Works Standard P-5. The curb shall be constructed to a 10' commercial pattern.

- 3. <u>Bike and Pedestrian Trail/Path</u>: Dedicate a **26'** (minimum) easement for Bike and Pedestrian purposes **only**. (Additional right of way may be required for grading and drainage purposes.) Construct a 12' wide concrete Bike and Pedestrian trail/path, complete with signing, striping and landscaping, per the 2025 Fresno General Plan, Multi-Purpose Trails Plan Map, City of Fresno Bicycle, Pedestrian and Trails Master Plan (www.fresno.gov/BMP) and Public Works Standards **P-59 and P-60**. Identify the proposed trail easement on the map and provide a cross section **7** days **prior** to the planning commission hearing. Submit engineered construction plans to Public Works. Submit signing, striping, grading, landscape and irrigation plans plan to the Traffic & Engineering Services Division for approval. **No utilities shall be constructed or installed within the trail easement**.
- 4. Construct 20' of permanent paving within the limits of this subdivision.
- 5. Construct an 80' bus bay curb and gutter at the northwest corner of Kings Canyon and Fowler to Public Works Standard **P-73**, complete with a 10' monolithic sidewalk.
- Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-7 for Arterial Streets.
- 7. On-street parking is prohibited.

<u>Fowler Avenue: Arterial (both sides):</u> Comply with approved street plans signed and approved by the Public Works Department.

Fowler at Fancher Creek

- a. North log 12' travel lane and 7' bike lane, 40' median island, 12' travel lane and 7' bike lane. 40' median allows for future 16' median with 2-12' travel lanes if warranted in the future.
- b. East & West legs one travel lane in each direction and splitter island, bike lanes on street. Fancher Creek shall have a raised median island east and west of the roundabout, with a worm-type left turn opening into the northwest and southwest quadrants (not a two-way left turn lane)
- e. South leg 12' travel lane and 7' bike lane, 40' median island, 12' travel lane and 7' bike lane

2. Fowler at Kings Canyon

- a. Southbound 2 left (11'), 1 through (12'), thru bike lane (5') and 10' right turn lane, 16' median (allows for future NB #1 lane if traffic warrants the second lane)
- b. Northbound set up for NB dual lefts, 1 through (gored out for now) and outside thru/right.
- Eastbound 15' median island (for future 4' nose, 11' left), 11' left, 2-12' through lanes, outside lane to be shared thru/right.
- d. Westbound 1 left, 2 through, 1 right
- 3. <u>West side:</u> Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a 10' commercial pattern. Provide pedestrian easements, as needed, for the proposed sidewalk.

4. East Side:

- a. Construct concrete curb and gutter to Public Works Standard P-5.
- b. Construct a Bike and Pedestrian Trail/Path per the 2025 Fresno General Plan, Multi-Purpose Trails Plan Map, City of Fresno Bicycle, Pedestrian and Trails Master Plan (www.fresno.gov/BMP) and Public Works Standards P-59 and P-60. Dedicate a 26' (minimum) easement for Bike and Pedestrian purposes only. (Additional right of way may be required for grading and drainage purposes.) Construct a 12' wide concrete Bike and Pedestrian trail/path, complete with signing, striping and landscaping. Identify the proposed trail easement on the map and provide a cross section 7 days prior to the

planning commission hearing. Submit engineered construction plans, signing, striping, grading, landscape and irrigation plans to the Traffic & Engineering Division for approval.

No utilities shall be constructed or installed within the trail easement.

5. Both sides:

- a. Construct 19' of permanent paving within the limits of this subdivision.
- b. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standard E-7 for Arterial Streets.
- c. On street parking is prohibited.
- 6. Construct an 80' bus bay curb and gutter at the northeast corner of Fowler Avenue and Kings Canyon Road to Public Works Standard P-73, complete with a 10' monolithic sidewalk.

Fancher Creek Drive: Scenic Drive (both sides)

- 1. Construct concrete curb, gutter and sidewalk to Public Works Standard P-5. The curb shall be constructed to a 10' commercial pattern. A transition may be required to match T-5232. Provide pedestrian easements, as needed, for proposed sidewalk.
- 2. Construct 20' of permanent paving within the limits of this subdivision. (paving width varies)
- 3. Construct an underground street lighting system to Public Works Standard E-1 within the limits of this subdivision. Spacing and design shall conform to Public Works Standards, match T-5232.
- 4. On-street parking is prohibited.

Specific Mitigation Requirements: A Traffic Impact Study (TIS) has been submitted. See EIR and supporting TIS.

- 1. Access restrictions are shown below. Exact locations to be determined by the City Traffic Engineer.
 - a. Northwest quadrant:
 - i. Fowler: shall have one access and be limited to right-in and right-out turns.
 - ii. Fancher Creek: shall have one access and shall be designed with a partial median opening to allow for right-in, right-out and left-in turns.
 - b. Northeast quadrant:
 - i. Fowler: shall have one access and be limited to right-in and right-out turns.
 - ii. Fancher Creek: shall have one access and be limited to right-in and right-out turns.
 - c. Southwest quadrant:
 - i. Fowler: shall have one access and shall be limited to right-in and right-out turns.
 - ii. Kings Canyon: shall have one access and shall be limited to right-in and right-out
 - iii. Fancher Creek: shall have two access points, the westerly one shall be designed with a partial median opening to allow for right-in, right out and left-in turns. The easterly one shall be limited to right-in and right-out turns.
 - d. Southeast quadrant:
 - i. Fowler: shall have one access and shall be limited to right-in and right-out turns.
 - ii. Kings Canyon: shall have one access and shall be limited to right-in and right-out
 - iii. Fancher Creek: shall have one access and shall be limited to right-in and right-out
- 2. The first order of work shall include a minimum of two points of vehicular access to the major streets for any phase of this development.
- 3. Each quadrant will need a Master Circulation Plan to show access.

- 4. A feasibility study for all **proposed** vacations of existing public rights of way is required to be completed **prior** to the approval of the final map.
 - a. Submit an application to Public Works to initiate a feasibility study for the proposed vacations. (Contact Alan James at 621-8693 for details)
 - b. Vacate portions of Fowler Avenue and Fancher Creek Drive within the limits of this map.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay the current Traffic Signal Mitigation Impact Fee (TSMI Fee) at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual for commercial use (fee rate as shown in the Master Fee Schedule).

This TSMI fee is credited against signal installation and Intelligent Transportation System (ITS) improvements (constructed at their ultimate location) anticipated to build out the 2025 General Plan circulation element and included in the Nexus Study for the TSMI fee. Project specific impacts that are not consistent with the 2025 General Plan, Public Works P69 standards, and/or already incorporated into the TSMI fees infrastructure costs are not reimbursable unless the City Engineer and City Traffic Engineer include the new traffic signal and/or ITS infrastructure in the next update and the applicant agrees to pay the new calculated TSMI fee that includes the new infrastructure. Failure to pay this fee or construct improvements that are credited/reimbursable with this fee will result in a significant unmitigated impact as this fee is applied to all projects within the City Sphere of Influence. If the applicant is conditioned with improvements that are credited/reimbursable with this fee they should work with the Department of Public Works and identify with a Professional Engineers estimate the costs associated with the improvements prior to paying the TSMI fee at time of building permit.

Fresno Major Street Impact (FMSI) Fee:

This Map is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees.

Fresno Major Street Impact (FMSI) Requirements:

Kings Canyon Road; Arterial (New Growth Area / Regional Street)

 Modify the existing median to 15' wide with a single left at the intersection of Kings Canyon and Fowler. Location of the proposed median to be designed to accommodate future dual left turns. Construct a raised concrete median with a 250' left turn pocket. Details of said street shall be depicted on the approved tentative tract map. Dedication shall be sufficient to accommodate arterial standard and any other grading or transitions as necessary based on a 55 MPH design speed.

Fowler Avenue: Arterial (New Growth Area)

- 1. If not existing, construct a one-lane round-a-bout at the intersection of Fowler and Fancher Creek Drive. Design shall be approved by the City Traffic Engineer.
- 2. Construct a 40' median island. Cross section shall be as follows 7' bike-12' thru- 40' median-12' thru 7' bike. Transitions as necessary based on a **25** MPH design speed. (There is sufficient r/w to accommodate a future signal)

Fancher Creek Drive: Scenic Drive:

 Construct a median island within the limits of this subdivision. Provide a left turn into the northwest and southwest quadrants. Dedication shall be sufficient to accommodate Scenic Drive standards and any other grading or transitions as necessary based on a 25 MPH design speed.

State of California Department of Transportation (Caltrans) Fees:

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering **prior** to a Final Map.

DEPARTMENT OF PUBLIC WORKS

TO: Will Tackett, Planner III

Planning Division

FROM: Hilary Kimber, Parks Supervisor II (559.621.8794)

Engineering Division

DATE: October 30, 2010

SUBJECT: Tract 5968 (APN:313-021-25 & 313-280-72) located on the northeast, northwest, southeast and southwest corners of the intersection of East Fancher Creek Drive and North Fowler Avenue. The Department of Public Works has reviewed the Tentative Tract Subdivision Map proposed by Gary G. Gianetta, Civil Engineering & Land Surveying, on engineering plans dated December 21, 2009. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in the street rights-of-ways:

GENERAL REQUIREMENTS

STREET TREE REQUIREMENTS

The subdivider is required to provide street trees on all public street frontages and for the dedication of planting and buffer landscaping easements. Street trees shall be planted at the minimum rate of one tree for each 60' of street frontage, by the Developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC 12-306-23, Water Efficient Landscape Standards and AB 1881 Model Water Efficient Landscape Ordinance. Tree species to be planted as follows to blend with Tract 5232 to the west:

STREET NAME STREET TREE LATIN/COMMON NAME

East Huntington Avenue Cinnamomum camphora (Camphor Tree)

North Fowler Avenue No species assigned. Please choose an

appropriate street tree from the Approved Public

Works Street Tree list

East Kings Canyon Road Quercus lobata (Valley Oak)

- 3. **Street Tree Planting by Developer**: For those lots having internal street tree frontage available for street tree planting (8-10' PPUE), the developer shall plant one tree for each 60' of street frontage, or one tree per lot having street frontage, whichever is greater.
 - a. Street tree inspection fees shall be collected for each 60' of public street frontage or one tree per lot whichever is greater.
 - b. Street trees shall be planted in accordance with all City of Fresno Local Codes and standards.
 - c. Landscape plans for all public use areas, such as parkways, buffers, median islands, and open spaces, shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all residential street

tree planting.

- d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the requirements set by the City of Fresno.
- e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.

BUFFER LANDSCAPING & MAINTENANCE REQUIREMENTS

- 1. The subdivider shall provide long term maintenance for all proposed landscaped areas by either petitioning for annexation in the Community Facilities District or by some other mechanism approved by the City.
- 2. Maintenance Service Through Annexation into the Community Facilities District.

 Landscape and Irrigation plans are required to be submitted to the Department of Public Works for review and approval. The Plans shall be considered technically correct prior to the annexation request and the Council approval of the final map. Plans shall be numbered to conform to and be included in the Department of Public Works street construction plan set for the final map. Fees are applicable when the subdivider elects to have landscaping maintained by annexing into the City's Community Facilities District.
 - A. Landscaping shall comply with Landscape Buffer Development Standards approved by the City Council on October 2, 1990. Landscape and irrigation plans shall comply with Sections 12-306-23 & 24 and 14-121 of the Fresno Municipal Code and AB 1881 regarding Water Efficient Landscaping and Buffer landscaping.
 - B. Should the proposed landscape buffers and/or parkway strips be located next to an existing buffer and/or parkway strip, the planting concept shall simulate the adjacent landscape design to present a more uniform appearance on the street. Variances in the landscape concept will be acceptable, but the design of the new landscape buffer and/or parkway strip shall strive to mimic the existing as much as possible. The Fancher Creek landscape and irrigation designs that have been approved/installed for adjacent Tract 5232 are 15-C-14605 to 14658 designed by Quad Knopf. Please match the landscaping concepts.
 - C. Landscape plans shall indicate grades on a cross-section detail to include fencing or wall details. All fencing shall be placed outside the landscape easement. Maximum slopes shall not exceed 4:1 with 1 foot of level ground between the slope and the back of the side walk and/or face of fence. Erosion control measures shall be implemented on all slopes of 4:1, including the use of synthetic erosion control netting in combination with ground cover species approved by the Department of Public Works/Engineering Services Division.
 - D. The water meter(s) serving the buffer landscaping shall be sized for the anticipated service flows.
 - E. No private flags, signs or identification of any kind shall be permitted in the right-of-way, within the City controlled easement or on the fence or wall facing the street.
 - F. Landscaping in the right-of-way and landscape setback adjacent to water well sites shall be the responsibility of the City of Fresno Water Division and may not be included in the CFD.

MEDIAN ISLAND LANDSCAPE REQUIREMENTS

- 1. When median islands front onto the proposed development project, <u>applicants shall</u> <u>submit Plans to the Public Works/Engineering Services showing the location and configuration of all median islands fronting the proposed project. (Fowler and Kings Canyon Road).</u>
- 2. Landscape and irrigation is required on all new construction of median islands and shall be applied in accordance with the City of Fresno, Public Works Department Standards & Specifications and FMC sections 12-306-24 and 12-306-23. The Public Works Department requires all proposed median islands to be constructed with 12" wide colored concrete strips adjacent to the curbing (except for entry medians of 12' or less).
- 3. Trees shall not be planted in sections which are less than eight (8) feet wide unless approved by the Public Works Department. Sections less than eight (8) feet shall be capped with concrete as an integral part of the off site improvements, whether the median is landscaped or not.
- 4. Trees larger than fifteen (15) feet tall will not be allowed in median islands that contain water and sewer mains.

OUTLOTS

1. The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require approving landscape and irrigation plans to be submitted with landscape buffer plans prior to inclusion into the CFD.

TRAIL REQUIREMENTS FOWLER AND KINGS CANYON

The trails shall be constructed in accordance with the "Master Trails Manual" and the Public Works Department Standards. The subdivider is responsible for the trails construction. The subdivider is responsible for for all landscape and irrigation improvements for and within the trails. Construction plans shall be submitted and shall include landscape and irrigation design. Trail cross sections will be required with the submittal of Street Plans for review and approval by the Public Works Department. Landscaping within the regional/multi-purpose trail shall include large, medium and low-growing shrubs planted 3-6 feet apart depending upon the variety, and trees shall be spaced approximately 25-45 feet apart to provide 50% shade coverage onto the planting area and pathway.

Landscaping adjacent to walls shall comply with the "Landscape and Buffer Development Standards". All planting areas shall be irrigated with an automatic system and comply with both FMC 12-306-23 and AB 1881 "Model Water Efficient Landscape Ordinance".



DEPARTMENT OF PUBLIC UTILITIES



Date:

January 25, 2010

To:

WILL TACKETT, Planner III

Planning and Development

From:

DOUG HECKER, Supervising Engineering Technician

Department of Public Utilities, Planning and Engineering Division

Subject: SANITARY SEWER REQUIREMENTS FOR VESTING TENTATIVE TRACT 5968

General

T-5968-UGM, filed by Gary G. Giannetta Civil Engineering and Land Surveying on behalf of Fancher Creek Properties, LLC, pertains to approximately 23.13 net acres, 29.35 gross acres, of property located on the northwest, northeast, southeast, and southwest corners of the intersection of East Fancher Creek Drive and North Fowler Avenue, APN 313-021-25, 313-280-72. T-5968-UGM requests authorization to subdivide the subject property for the purposes of a 39-lot commercial development. The property is zoned C-2-BA-15-UGM-cz, Community Shopping Center District-Boulevard Area Overlay-Urban Growth Management-conditions of zoning, and is planned for Community Commercial land uses.

Sanitary Sewer Service

The nearest sanitary sewer main to serve the proposed project is a 39-inch main located in North Fowler Avenue and an 8-inch main located in East Fancher Creek Drive. The following sewer improvements shall be required prior to providing City sewer service to the project:

- 1. Construct an 8-inch sanitary sewer main in East Fancher Creek Drive from the existing 8-inch main east of South Renn Avenue east across the project frontage.
- 2. Construct an 8-inch sanitary sewer main in East Laurel Avenue from North Fowler Avenue east across the project frontage.
- 3. Sewer house branch connection(s) shall not be allowed to North Fowler Avenue.
- 4. Cross-access agreement/covenant for on-site private sewer facilities shall be required.
- 5. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
- 6. Separate sewer house branches are required for each lot.

- 7. All on-site sanitary sewer facilities shall be private.
- 8. Abandon any existing on-site private septic systems.
- 9. Street easements and/or deeds shall be recorded prior to approval of improvement plans.
- 10. All underground street utilities shall be installed prior to permanent street paving.
- 11. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed addition and/or modification to the City Sewer System. Depict neighboring parcels and proposed plans for their continued service.
- 12. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
- 13. The project developer should contact Wastewater Management Division/Environmental Services (559) 621-5100 regarding conditions of service for special users.

Sanitary Sewer Fees

The following Sewer Connection Charges are due and shall be paid for the Project:

- 1. Sewer Lateral Charge
- 2. Oversize Sewer Charge
- 3. Sewer Oversize Service Area: #37
- 4. Trunk Sewer Charge: Fowler
- 5. Sewer Facility Charge (Non-Residential)
- 6. Upon connection of this Project to the City Sewer System the owner shall be subject to payment of Sewer Facility charges per Fresno Municipal Code Section 6-304 and 6-305. Sewer Facility Charges consist of two components, a Wastewater Facilities Charge and Trunk Sewer Charge where applicable.
- 7. Sewer Facility Charges are collected after occupancy on a bi-monthly basis over time based on metered (water or sewer effluent) usage. The developer may contact the Department of Public Utilities/Wastewater-Environmental Control at (559) 621-5153 to receive an estimated cost of the Sewer Facility Charges applicable to the project (based on a constant sewer discharge and loading (Biochemical Oxygen Demand [BOD] and Total Suspended Solids [TSS] levels anticipated) at the current rates in effect, at that time, per Fresno's Master Fee Resolution. The developer shall provide data regarding estimated sewer discharge rates [flow] and loading [BOD/TSS levels] required for calculating the estimated charges.



DEPARTMENT OF PUBLIC UTILITIES - WATER DIVISION



DATE:

February 12, 2010

TO:

DOUG HECKER, Supervising Engineering Technician

Department of Public Utilities, Administration

FROM:

MICHAEL CARBAJAL, Chief Engineering Technician

Department of Public Utilities, Water Division

SUBJECT:

WATER REQUIREMENTS FOR TENTATIVE TRACT NO. 5968/UGM

The following conditions are required to provide water service to the tract.

- Construct a 14-inch transmission grid water main (including installation of City fire hydrants) in East Fancher Creek Drive from North Fowler Avenue east across the frontage of the tract.
- 2. Separate water services with meters shall be provided to each lot created.
- 3. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through a combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Water Systems Manager.
- 4. All public water facilities shall be constructed in accordance with Public Works Department standards, specifications, and policies.
- Seal and abandon existing on-site well(s) in compliance with the State of California Well Standards, Bulletin 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.



Bureau of Fire Prevention and Investigative Services
450 M Street
Fresno, California 93721-3083
(559) 621-4000 FAX (559) 498-4323
www.fresno.gov

Date

February 8, 2010

TO:

Will Tackett, Planner III

Development Department, Planner

FROM:

Mike Schmidt, Supervising Fire Prevention Inspector

Fire Prevention Bureau

SUBJECT: Vesting Tentative Tract No. 5968

The Fire Department has completed a review of the Vesting Tentative Tract Map 5968 which was submitted by Giannetta Engineering. The following requirements and conditions are to be placed on this vesting tentative tract map as a condition of approval by the Fire Department.

General Requirements:

This project is within 1.6 miles of Fresno Fire Station No. 15

This project is subject to city wide fire service fees.

Lot #10 will require two points of access. Provide access onto the intersection of Laurel/Renn (NW corner) or covenanted access through lots 1 or 2.

All lots over 300' deep will require fire department turnaround (hammer-head) or a covenanted second access through an adjacent parcel for fire department access. Some lots slightly less than 300' deep may encounter the same requirement depending on lot width and building configuration.

East Fancher Creek east of Fowler Ave. appears very narrow. Provide dimensions of proposed street widths (15' minimum).

Fire lane marking requirements will be addressed on a site plan larger than 60 scale.

Note: Phasing of tract will require re-review for access requirements.

Also see requirements listed on 2-2-10 memo from Howdy Beal.



Date: February 02, 2010

To: WILL TACKETT, Planner II

Planning and Development Department, Advance Planning

From: HOWDY BEAL, Fire Prevention Inspector II

Fire Department, Fire Prevention & Investigative Services

Subject: T-5968-UGM, filed by Gary G. Giannetta Civil Engineering and Land Surveying on behalf of Fancher Creek Properties, LLC, pertains to approximately 23, 13 net acres, 29,35 gross acres, of property located on the northwest, northeast, southeast, and southwest corners of the intersection of East Fancher Creek Drive and North Fowler Avenue, APN 313-021-25, 313-280-72. T-5968-UGM requests authorization to subdivide the subject property for the purposes of a 39-lot commercial development. The property is zoned C-2-BA-15-UGM-cz, Community Shopping Center District-Boulevard Area Overlay-Urban Growth Management-conditions of zoning, and is planned for Community Commercial land uses.

Hydrants

Public streets hydrant(s) must be installed. Coordinate street hydrant locations with Public Works.

Fire hydrants shall be installed, tested, approved, and all surface access roads shall be installed and made serviceable prior to and during the time of construction. The hydrant 4 1/2" outlet shall face the access lane.

General

Two means of ingress/egress must be provided. This access must be maintained during all phases of development.

All construction work on this project is subject to interruption if the road system becomes impassable for fire apparatus due to rain or other obstacles. All required fire access lanes shall be provided and maintained with an approved 'all weather' surface capable of supporting 80,000 lb. vehicles (minimum 4" of base rock over compacted or undisturbed native soil or per approved engineered plans) year-round and with 24 feet minimum width or other approved method that would prevent shoulder degradation.

All private streets and driveways that are provided for common access and are required for Fire Department access shall be constructed to a minimum unobstructed width of 20

feet. For drives separated by a median, 15 foot minimum lanes are required.

Turns in private drives for aerial truck access shall have minimum 44 foot centerline turn radius.

Other

Note: Phasing of tract will require re-review for access requirements. On-Site hydrants may be required for commercial projects.



County of Fresno

Department of Public Works and Planning
Alan Weaver
Director

DATE:		2 February 2010
TO:		
ADDRE	ESS:	
PHONE		
SUBJE	CT: Appli	ication No:
	Locat	tion & Address:
	Asses	ssors Parcel No:
	Prope	erty Owner:
		provement plans and issuance of grading permit voucher/permits in the City ct require the following:
() () () () () ()	Copies of the L Copy of the ap Improvement p Indication of al Provide require Provide copies Soils report and Hydrology calc Provide NOI fo Revision of typ road r/w etc. N Provide a reviet limits Provide a reviet ilmits Provide a reviet remain within the Submit plans to Approval from Code per Sec.	Approval [COA] as adopted and/or revised by the City Council. LAFCO docs. and annexation maps to verify County limits and jurisdiction. Sproved tentative map and site photos class for utilities in County r/w or on private land outside city limits Il Flood Zone "A" areas. Provide LOMR, hydrology study, etc. as applicable ements for any FMFCD or irrigation districts improvements. If of signed agreements and fees for development. If R-values for pavement design where work required in a County road. Coulations and/or analysis for culverts, drainage structures etc. in County right-of-way. In subsequent SWPPP and NPDES compliance In county and on County and on County and on County and on County and drainage from development onto private property is allowed. If we fee of \$175.50 plus \$83.00 for a grading voucher where all work is within proposed city are fee of \$352.00 and a 2 nd \$352.00 for a grading permit where work affects property to the County or outside proposed city limits. In county or outside proposed city limits. In county or outside proposed city limits. In county Official for exemption from compliance with Chapter 15 of the County Ordinance 15.04.140

If you have any questions regarding this letter please contact Development Engineering at (559) 262-4022.

C:\Documents and Settings\dgibbs\Local Settings\Temporary Internet Files\OLK5B\PlanCheckCityTract.doc

County of Fresno



Department of Public Health Edward L. Moreno, M.D., M.P.H., Director-Health Officer

February 9, 2010

999999999 LU0015503 PE 2602

Will Tackett
City of Fresno
Planning & Development Department
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Tackett:

PROJECT NUMBER: T-5968/UGM

PROJECT DESCRIPTION AND LOCATION: Vesting Tentative Tract Map No. 5968/UGM, filed by Gary G. Giannetta Civil Engineering & Land Surveying on behalf of Fancher Creek Properties, LLC., pertains to approximately 23.13 net acres (29.35 gross acres) of property located on the northwest, northeast, and southwest corners of the intersection of East Fancher Creek Drive and North Fowler Avenue. Vesting Tentative Tract Map No. 5968/UGM requests authorization to subdivide the subject property for the purposes of a 39-lot commercial development. The property is zoned C-2/BA-15/UGM/cz and is planned for Community Commercial land uses.

APN: 313-021-25 & 313-280-72 Zoning: C-2/BA-15/UGM/cz Address: none assigned

Recommended Conditions of Approval:

- Construction permits for the 39-lot commercial development should be subject to assurance
 of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be
 obtained from the California Regional Water Quality Control Board (RWQCB). For more
 information, contact staff at (559) 445-5116.
- Construction permits for the 39-lot commercial development should be subject to assurance
 that the City of Fresno community water system has the capacity and quality to serve this
 project. Concurrence should be obtained from the State Department of Health Services,
 Division of Drinking Water and Environmental Management (DDWEM). For more
 information call (559) 447-3300.
- The Fresno County Department of Public Health is concerned that abandoned water wells are not being properly destroyed, particularly with respect to new development projects. As city boundaries expand, community services are provided to areas originally served only by individual domestic and agricultural wells. Improper abandonment of such wells presents a significant risk of contaminating the city's community water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells.

Will Tackett T-5968/UGM February 9, 2010 Page 2 of 2

Prior to destruction of any existing agricultural well(s), a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

The Department of Public Health is available to provide consultation in cooperation with your city in order to encourage the proper destruction of wells and safeguard our water quality. City staff may contact Wayne Fox, Supervising Environmental Health Specialist, Water Surveillance Program, at (559) 445-3357 for more information.

 Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in your municipal code.

REVIEWED BY:

Glenn Allen

Digitally signed by Gienn Allen Dit: cn=Glenn Allen, o=Environmental Health Division, ou=Public Health, ensal=glaffengeo.fresno.ca.us, c=US Date: 2010.02.09 1403.19 -0800°

R.E.H.S., M.S.

Supervising Environmental Health Specialist

(559) 445-3271

ga

cc: Wayne Fox, Environmental Health Division

T-5968 Fancher Creek Properties

Phone: 5 E Mail K

Phone: 559-263-5167 E Mail Kap5@pge.com

February 17, 2010

Development Department
Engineering Services Division
Land Division Section
2600 Fresno Street, Room 3043
Fresno, CA. 93721-3604
Attn: Mr. Will Tackett

Dear Mr. Will Tackett,

We have reviewed Tentative Tract Map No. 5968.

PG&E requests that a Public Utility Easement (PUE), ten feet (10') in width, be dedicated contiguous to all street(s) boundaries located within and along any portion of said Tract Map boundaries fronting any street(s) lying outside of said Tract Map. PG&E also requests that a PUE be incorporated within all private roads.

PG&E may further require an easement from the property owner(s) over the newly created PUE's. The exact size and locations of the PUE's together with the need for an easement will be finalized on the final map review.

PG&E's records show no gas or electric transmission facilities in the project area.

Existing gas or electric facility relocations necessitated by new street improvements (which are required as conditions of a development's final acceptance by the City of Fresno) will be at the expense of the developer.

Thank you for the opportunity to review the plans of this Tentative Tract Map. If you have any questions, please contact me at 263-5167.

Sincerely

Kyle Patten Land Agent March 23, 2010

City of Fresno Planning and Development C/O Will Tackett 2600 Fresno St – Rm. 3043 Fresno, CA 93721-3604

Subject: Parcel Tract Map 5968, A.P.N. 313-021-25 & 313-280-72

Attached, are your maps for the above referenced project. AT&T/Pacific Bell has identified all known facilities or conflicts with the above referenced project.

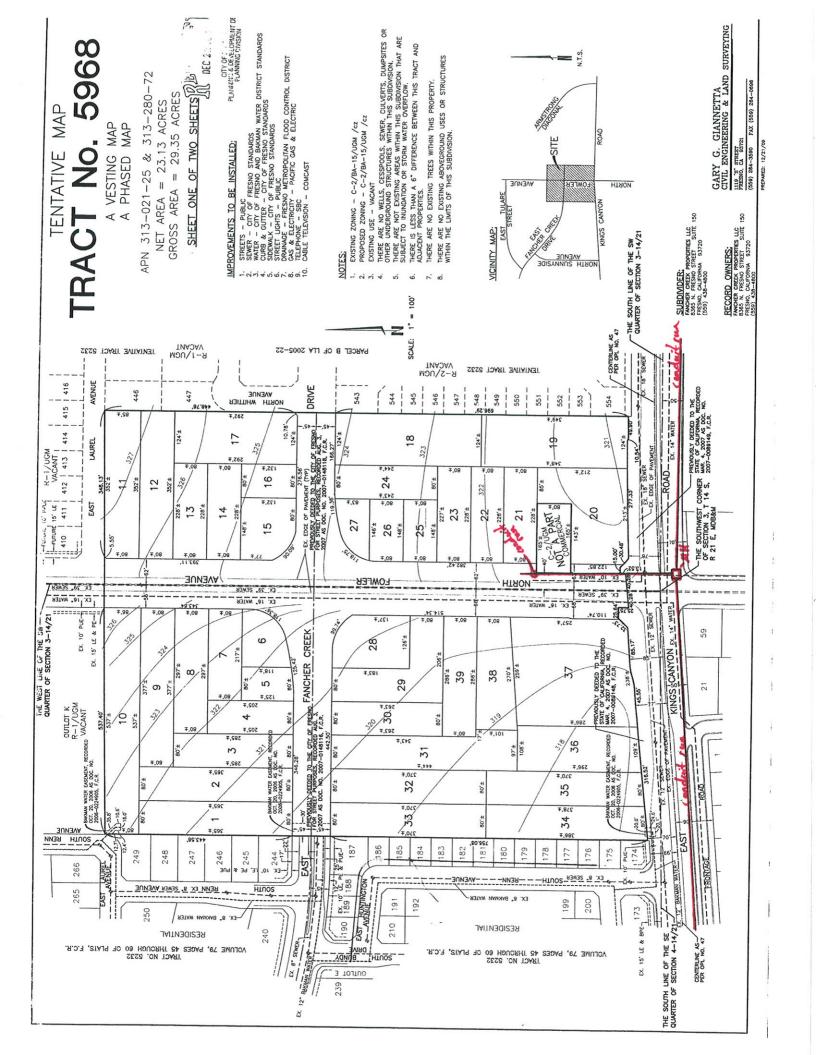
The Engineer on this project area is Ed Siqueiros at 559-454-3848. If your engineering department does see a potential problem please contact this engineer. Please call U.S.A. before digging at 1-800-227-2600.

If you have any questions regarding this letter, please contact me at (559) 454-4848.

Thank you,

Barry Soliday AT&T Right-of-Way Support Dept.

Attachments
Reply-Parcel Tract Map 5968





February 9, 2010

Will Tackett Planning & Development Department 2600 Fresno St, Third Floor Fresno CA 93721-3604

Subject: Tentative Tract Map 5968.UGM

Four corners of Fancher Creek and Fowler Avenues

Dear Will:

This letter is in response to your request for school district comment on the above-referenced project, which would authorize the construction of a 39-lot commercial development.

New commercial and industrial development affects the District by generating employees. The children of employees living in the District will need to be housed in District schools.

The District currently levies a school facilities fee of \$0.47 per square foot for commercial/industrial development. New development on the subject property will be subject to the fee in place at the time fee certificates are obtained.

Thank you for the opportunity to comment.

Sincerely,

Steve Ward

Associate Superintendent Administrative Services Governing Board

Sandra A. Bengel Christopher Casado Brian D. Heryford Ginny Hovseplan Elizabeth J. Sandoval

F. Scott Troescher

Jim Van Volkinburg, D.D.S.

Administration

David E. Cash, Ed.D. Superintendent

Michelle Steagall, Ed.D. Associate Superintendent

Steve Ward

Associate Superintendent
lanet Young, Ed.D.

Associate Superintendent

CITY OF FRESNO

ADDENDUM TO ENVIRONMENTAL IMPACT REPORT (EIR) NO. 10133

(As certified by the Fresno City Council on May 17, 2005 [Resolution No. 2005-183])

Addendum prepared in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines

Environmental Impact Report No. 10133 is on file in the Development and Resource Management Department,
Fresno City Hall, 3rd Floor
2600 Fresno Street
Fresno, California 93721
(559) 621-8277

ENVIRONMENTAL ASSESSMENT NUMBER:

T-5968

APPLICANT:

Fancher Creek Properties, LLC. 8365 North Fresno Street, Suite 150 Fresno, CA 93720

PROJECT LOCATION:

Assessor's Parcel Number(s): 313-021-25 & 313-280-72
Northwest, northeast, southeast, and southwest corners of the intersection of East Fancher Creek Drive and North Fowler Avenue.
City and County of Fresno, State of California
Site Latitude: 36°44'21.00" N and Longitude 119°40'55.00" W
Mount Diablo Base & Meridian,
Township 14 S Range 21 E, Sections 3 & 4

PROJECT DESCRIPTION:

Gary G. Giannetta Civil Engineering & Land Surveying, on behalf of Fancher Creek Properties, LLC., property owner/subdivider, has filed Vesting Tentative Tract Map No. 5968/UGM pertaining to approximately 23.13 net acres (29.35 gross acres) of property (collectively, the "Subject Property) located on the northwest, northeast, southeast, and southwest corners of the intersection of East Fancher Creek Drive and North Fowler Avenue; within the Fancher Creek Development Project.

Vesting Tentative Tract Map No. T-5968/UGM proposes to: (1) Subdivide the subject property for the purposes of creating a total of 39 commercial lots between the four corners of the respective street intersection; and, (2) Vacate portions of the existing East Kings Canyon Road, North Fowler Avenue and East Fancher Creek Drive rights-of-way. The proposed subdivision will facilitate future commercial development on the subject property. However, entitlement applications have not been submitted for any respective portion of the subject property at the time of preparation of this addendum (development applications and plans for any respective portion of the subject property will be required to be submitted to the City of Fresno for review and approval prior to construction in accordance with the requirements of the Fresno Municipal Code).

The subject property is currently zoned under the C-2/BA-15/UGM/cz (Community Shopping Center/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning) zone district classification. The subject property is located within the boundaries of the 2025 Fresno General Plan and Roosevelt Community Plan, which designate the subject property for Community Commercial planned land uses. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Section 12-403-B-1 (Zone District Consistency Table) of the Fresno Municipal Code (FMC), the existing C-2 (Community Shopping Center) zone district may be found to be consistent with the Community Commercial planned land use designation.

On May 17, 2005 the Fresno City Council certified Final Environmental Impact Report (EIR) No. 10133 (SCH No. 2004021071) for the Fancher Creek Development Project through adoption of Resolution No. 2005-183. The EIR adopted for the proposed project considered and evaluated the potential effects associated with the development of approximately 476 acres, specifically: 107 acres of M-1 (*Light Manufacturing*) zoned property; 211 acres of R-1 (*Single Family*

Residential) zoned property; 32 acres of R-2 (Low Density Multiple Family Residential) zoned property; 31 acres of C-2 (Community Shopping Center) zoned property, comprising the "Subject Property"; 43 acres of C-3 (Regional Shopping Center) zoned property; and, an additional 52 acres of Regional Commercial planned area, which was included within the EIR for cumulative analysis.

As the subdivision of the subject property, pursuant to Vesting Tentative Tract Map No. 5968/UGM, is proposed in order to facilitate future development of the subject property consistent with the Community Commercial planned land use designation and existing C-2 (*Community Shopping Center District*) zoning, it may be determined that: (1) Based upon the density and intensity proposed, the project falls within the scope of Environmental Impact Report (EIR) No. 10133; (2) No substantial changes are proposed in the project which require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (3) No substantial changes will occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and, (4) No new information, which was not known and could not have been known, at the time the EIR No. 10133 was certified, has become available.

Therefore, the City of Fresno has determined that an addendum to Environmental Impact Report (EIR) No. 10133 is appropriate given that none of the conditions described in Section 15162 of the Subdivision Map Act calling for preparation of a subsequent EIR have occurred; and, new information added is only for the purposes of providing minor technical changes or additions, in accordance with Section 15164 of the Subdivision Map Act.

Section 15162 provides that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

FINDINGS PURSUANT TO SECTION 15162 OF THE CEQA GUIDELINES.

(1) Substantial changes are proposed in the project which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

Finding (1):

The project consists of the proposed subdivision of approximately 23.13 net acres (29.35 gross acres) of Community Commercial planned and zoned property into 39 lots; and, the proposed vacation of portions of adjacent public street rights-of-way. Environmental Impact Report (EIR) No. 10133 (SCH No. 2004021071), as certified by the Fresno City Council on May 17, 2005, evaluated and assessed potential impacts related to the development of approximately 31 acres of community commercial property at the subject location.

The proposed vacations of adjacent public street rights-of-way will not occur to an extent that will affect adjacent major street traffic volume capacity or installation of improvements previously identified or required to mitigate potential effects. Furthermore, feasibility studies for proposed vacations will assure that the proposed vacations do not interfere with public easements and/or facilities. This finding is substantiated by the inclusion of project related conditions of approval as stipulated within the Public Works Department, Traffic and Engineering Services Division memorandum dated March 10, 2011.

Furthermore, as the proposed subdivision of the subject property is only intended to facilitate future development of the subject property in a manner consistent with its planned land use and existing zone district designation (as previously evaluated within the EIR), no substantial changes are proposed from those previously evaluated which would require a major revision and the proposed project will not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,

Finding (2):

Substantial changes have not occurred with respect to the circumstances under which the project is undertaken, which will require major revisions to the previous EIR as a result of the proposed subdivision of the subject property in accordance with Vesting Tentative Tract Map No. 5968/UGM. Likewise, substantial changes have not occurred due to the proposed vacation of respective portions of the public street rights-of-way.

As discussed by Finding #1 included herein above, the proposed project, comprised of the proposed subdivision of private property and vacation of portions of public street rights-of-way, does not constitute changes to the circumstances under which the project is undertaken but rather is considered to be a typical and orderly progression for the transfer, division, and/or inclusion of interests respective to the subject property. The establishment of multiple lots of record may therefore be considered to be merely a mechanism necessary to facilitate the type of development evaluated under the EIR for the subject property; and, will not result in new significant impacts or increases in severity of previously identified significant effects.

The proposed vacations of adjacent portions of public street rights-of-way will be based upon planned street improvements adjacent to the subject property, consistent and in accordance with the requirements included within the Public Works Department, Traffic and Engineering Services Division memorandum dated March 10, 2011, which are incorporated within the project conditions of approval.

Properties and improvements within the incorporated area of the City of Fresno, which are located in the general vicinity of, and/or adjacent to, the subject property remain vacant; or, have been subdivided and developed in accordance with the 2025 Fresno General Plan and the project approvals obtained for the overall Fancher Creek Development Project. Properties and improvements within the unincorporated area of the County of Fresno, which are located in the general vicinity of, and/or adjacent to, the subject property either remain vacant or continue to be utilized consistent with the planned land uses of the 2025 Fresno General Plan; as when previously assessed and evaluated through the certification of EIR No. 10133. Therefore, properties and improvements in the vicinity of the subject property have not changed the contextual circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous EIR; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; and, (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR, would substantially reduce one or more significant effects on the environment.

Finding (3):

No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete has become available.

Commentary and requirements received from responsible departments and agencies in response to requests for comments respective to the proposed project have not revealed any new information related to the potential of the proposed project to result in new significant environmental effects; or, increase the severity of previously identified significant effects. This finding is substantiated by the memoranda from commenting departments and agencies incorporated as requirements within the conditions of approval for Vesting Tentative Tract Map No. 5968; and, included herein by reference.

Environmental Impact Report (EIR) No. 10133 evaluated potential impacts of the Fancher Creek Development Project from the perspective areas of land use, planning, agriculture, traffic and circulation, air quality, geology and soils, biotic resources, noise, drainage, public services, hydrology, aesthetics, and cultural resources in accordance with the provisions of the California Environmental Quality Act (CQA) Guidelines in effect at the time of its certification. As the proposed subdivision of the subject property is fully within the scope of the Fancher Creek Development Project as evaluated by EIR No. 10133, any potential impacts resultant thereof have also been evaluated under the EIR.

There have been recent changes in environmental legislation with respect to the evaluation of impacts from Greenhouse Gas Emissions (GHG's). Specifically, the recommend Environmental Checklist Form incorporated within the CEQA Guidelines as Appendix "G", provides that an evaluation respective to Greenhouse Gas Emissions should consider whether the proposed project would: (a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or, (b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. However, this is not considered new information the project will have one or more significant effect(s) for the purposes of Section 15162 of the CEQA Guidelines. This position is substantiated by the following:

The predominant current opinion within the scientific community is that global warming is occurring, and that it is being caused and/or accelerated via generation of excess "greenhouse gases" [GHGs]. It is believed that a combination of factors related to human activities, such as deforestation and an increased emission of GHG into the atmosphere from combustion and chemical emissions, is a primary cause of global climate change.

The predominant types of anthropogenic greenhouse gases (those caused by human activity) are regulated by existing air quality policies and rules pursuant to their roles in ozone and particulate matter formation and/or as potential toxic air contaminants.

EIR No. 10133 assessed potential impacts from the Fancher Creek Development project related to air quality and determined that compliance with San Joaquin Valley Air District rules for ground disturbing and construction activities will constitute sufficient mitigation to reduce impacts to a level considered less-than-significant. Furthermore, EIR No. 10133 provided evidence and explanations in support of its findings that included reference to the objectives and policies of Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan, which call for an increase in densities, mixed land uses and a refocus on existing neighborhoods that will work to reduce the dependence on the private automobile. These objectives and policies are consistent with the various measures recommended to reduce global warming related impacts at the individual project level that are recommended by the California Attorney General's Office.

Finding (3 cont.):

As these measures are essentially the same as those that would be applied with consideration of the potential for increased emission of GHG into the atmosphere, it may concluded that analyses of potential ozone precursors and contributing factors to GHG emissions adequately evaluated in the EIR; and, that compliance and implementation of applicable SJVAPCD rules, regulations, and policies for reducing all forms of air pollution, will inherently reduce levels of greenhouse gases along with other regulated air pollutants.

Furthermore, significant impacts on California's physical environment that could be caused by global warming may include, an increase in the intensity and duration of heat waves, the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snow pack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

At this point in time, detailed analysis and conclusions as to the significance of greenhouse gas emissions and strategies for mitigation are still not feasible, because the legislatively-mandated greenhouse gas inventory benchmarking and the environmental analysis policy formulation tasks of the California Environmental Protection Agency Air Resources Board and the Governor's Office of Planning and research are not completed. The information available does not support any conclusion that Vesting Tentative Tract Map No. 5968/UGM, or other City projects would have a significantly adverse impact on global climate change. Similarly, there is insufficient information to conclude that global climate change would have a significantly adverse impact upon the City of Fresno or specific development projects.

Due to the lack of data or regulatory guidance that would indicate the proposed project had a significant adverse impact upon global climate change, the relatively small size of the Fancher Creek Project Area in conjunction with the worldwide scope of GHG emissions, and the emphasis upon integrated urban design and air pollution control measures, it could not be concluded at the time EIR No. 10133 was certified, nor at present that the proposed project would have a significant adverse impact on global climate change; therefore, no new information is available.

As determined herein above, the proposed subdivision of the subject property and the proposed vacations of portions of adjacent public rights-of-way are only intended to facilitate future development of the subject property in a manner consistent with its planned land use and existing zone district designation (as previously evaluated within the EIR). Furthermore, as no substantial changes respective to the circumstances under which the project is being undertaken have occurred, there is no potential for the project to yield new information of substantial importance, which was not known and could not have been known at the time the EIR was certified. Therefore, there is also no evidence that either: (1) Mitigation measures or alternatives previously found not to be feasible would be feasible and would reduce one or more significant effects due to the project; or, (2) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR, and which would substantially reduce one or more significant effects on the environment are applicable due to the project.

FINDINGS PURSUANT TO THE SUBDIVISION MAP ACT (CALIFORNIA GOVERNMENT CODE SECTION 66400 ET. SEQ.)

The Subdivision Map Act (California Government Code Section 66400 et. seq.) requires that a proposed subdivision not be approved unless the map, together with its design and improvements, is found to be consistent with the General Plan and any applicable specific plan (Finding No. 1 below).

State law further provides that the proposed subdivision map be denied if any one of the Finding Nos. 2 - 5 below is made in the negative. In addition, State law requires that a subdivision be found to provide for future passive and natural heating or cooling opportunities in the subdivision development (Finding No. 6 below).

- 1. The proposed subdivision map, together with its design and improvements, is consistent with the City's 2025 Fresno General Plan and Roosevelt Community Plan. Pursuant to Table 2 (Planned Land Use and Zone District Consistency Matrix) of the 2025 Fresno General Plan and Chapter 12, Article 10 (Subdivision Ordinance) of the FMC, the subdivision design meets the zoning ordinance criteria for development in the Community Commercial planned land use and C-2 (Community Shopping Center) zone district designation.
- 2. This site is physically suitable for the proposed type and density of development, because conditions of approval prepared will ensure adequate access and drainage on and off the site; and, that development shall occur in accordance with adopted standards, goals, objectives, and policies for development in the City of Fresno.
- 3. The proposed subdivision design and improvement is not likely to cause substantial and considerable damage to the natural environment, including fish, wildlife or their habitat, because all agricultural uses on the subject property have been discontinued and the site is located within an area, which has been substantially graded and prepped for developed with urban uses. The subject property remains fallow without trees, vegetation, or irrigation to sustain and attract wildlife; or, provide a suitable habitat to species other than vermin.
- 4. The proposed subdivision design and improvements are not likely to cause serious public health and safety problems because the conditions of approval have shown and will ensure that the subdivision conforms to city health and safety standards, specifications, and policies.
- 5. The proposed subdivision design will not conflict with public easements within or through the site, because the project design and conditions of approval will assure noninterference with any existing or proposed easements on the subject property.
- 6. The design of the subdivision provides, to the extent feasible, for future passive and natural heating or cooling opportunities in the subdivision, because of the appropriate use and placement of landscaping plant materials and because of the orientation of the proposed lots, which will permit alignment of structures in an east-west direction for southern exposure.

The subdivision map, subject to the recommended conditions of approval, complies with the design and property development standards of the Zoning Ordinance and local Subdivision Ordinance. Based upon the plans and information submitted by the applicant and the recommended conditions of project approval, staff has determined that these findings can be made.

ADDENDUM PREPARED BY: Will Tackett, Planner III	SUBMITTED BY:
DATE: March 16, 2011	Mike Sanchez, Planning Manager DEVELOPMENT & RESOURCE MANAGEMENT DEPARTMENT

Environmental Impact Report No. 10133 (SCH No. 2004021071), as certified on May 17, 2005, is available on the City of Fresno, Development and Resource Management Department website through the March 16, 2011 Planning Commission Agenda.

Please follow the link below:

http://www.fresno.gov/Government/DepartmentDirectory/PlanningandDevelopment/Planning/PlanningCommission/default.htm